

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARVIN ROCKWELL,

Defendant.

Case No. CR12-309RSL

ORDER DENYING DEFENDANT'S
MOTION FOR EARLY
TERMINATION OF SUPERVISED
RELEASE

This matter comes before the Court on defendant Marvin Rockwell's motion for early termination of supervised release. Dkt. # 27. Having reviewed defendant's memorandum and exhibits, the government's response in opposition, the assessment and recommendation of U.S. Probation and Pretrial Services, and the remainder of the record, the Court DENIES defendant's motion.

Under 18 U.S.C. § 3583(e), the Court may, after considering a subset of sentencing factors set forth in 18 U.S.C. § 3553(a), terminate a term of supervised release after at least one year "if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1). The factors the Court should consider include the nature and circumstances of the offense and the history and characteristics of the defendant; the need for the sentence imposed to afford adequate deterrence, to protect the public, and to provide the defendant with training, medical care, or other treatment in the most effective

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1 manner; relevant guidelines or policy statements issued by the Sentencing Commission; and the
2 need to provide restitution. Id. §§ 3553(a), 3583(e). When deciding whether to terminate
3 supervised release, the Court “enjoys discretion to consider a wide range of circumstances.”
4 United States v. Emmett, 749 F.3d 817, 819 (9th Cir. 2014).

5 On November 1, 2012, defendant pled guilty to one count of possession of child
6 pornography in violation of 18 U.S.C. § 2252(a)(4)(B). Dkt. ## 5, 7. On March 15, 2013,
7 defendant was sentenced to one day in custody, with credit for time served, followed by a
8 lifetime term of supervised release. Dkt. # 19.

9 Since that time, defendant has complied with a sexual deviancy evaluation and
10 successfully completed treatment and all assignments asked of him. Defendant has continued to
11 meet with his mental health counselor. At 64 years old, defendant suffers from advanced
12 Parkinson’s Disease, which affects his ability to walk, write, and speak. See Dkt. # 27. The
13 Court commends defendant’s cooperation and acknowledges the challenges presented by
14 defendant’s health. However, given the nature of defendant’s offense, the considerations
15 underlying defendant’s sentence, and the minimal interference that supervision imposes on
16 defendant, the Court concludes that terminating defendant’s supervised release is not warranted
17 at this time.

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19 For all the foregoing reasons, defendant’s motion for early termination of supervised
20 release (Dkt. # 27) is DENIED.

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22 DATED this 2nd day of March, 2017.

23 
24 Robert S. Lasnik
25 United States District Judge
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